IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 29309 of 1995

Between:

Matrusri Co-operative House Building Society Limited,

Registration No.B-1751, Visakhapatnam, rep., by its President
Visakhapatnam District.

..... PETITIONER

AND

1.The Visakhapatnam Urban Development Authority,

VUDA Complex, Siripuram Junction, Visakhapatnam,

rep., by its Secretary.
2.The Vice-Chairman, Visakhapatnam Urban Development Authority,
VUDA Complex, Siripuram Junction, Visakhapatnam.
3.The Gajuwaka Municipality, Gajuwaka,

rep., by its Commissioner, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or a direction, more particularly one in the nature of a writ of mandamus directing the first respondent here in to release the final lay out plan in favour of writ petition society as ordered by the second respondent here in on 18/12/92 in his file RC No.1229/90/G-1 forthwith, duly declaring the proposed action of the first respondent to cancel the layout released in favour of writ petitioner society as block layout plan no.1/1993 on 05/01/1993 as arbitrary, illegal, unjust and unsuitable.

Counsel for the Petitioner: MR.NUTY RAM MOHAN RAO

Counsel for the Respondents 1&2: SMT.SUMALINI REDDY (SC FOR VUDA)

Counsel for the Respondent No.3: NONE APPEARED.

The Court made the following:

ORAL ORDER:

Heard both sides.

2. The interim direction granted by this Court in W.P.No.29309 of 1995, dated 05-08-2004, is as under:

"The learned counsel for the petitioner-Society Mr.N.Rama Mohan Rao submitted that the conditions imposed in the block lay out plan No.1/1993 have been complied with.

The learned counsel appearing for the respondent-corporation Smt. Reddy submitted that as on February 2004, only; 65% of the work, which is expected had been performed by the petitioner-society and from February 2004 to till date, she has no instructions with regard to progress.

From the above, it is clear that it is only a matter of verification and therefore, I direct the respondents to reconstitute the same committee which made earlier inspection and reassess the progress, as submitted by the counsel for the petitioner, in the presence of petitioner-society and file report before this court and if the respondent-corporation is fully satisfied, shall release the lay out."

3. In response to the said direction of this Court, the learned Standing Counsel for the respondents-corporation produces a copy of the report of the Inspection Team along with a letter, dated 22-09-2004, of the Vice-Chairman of the respondents-corporation addressed to its Standing Counsel.

4. I have perused the said letter wherein it was observed as under:

"In view of the committee recommendations, Visakhapatnam Urban Development authority has released the Final Layout of the Society to the Commissioner, Gajuwaka Municipality subject to fulfillment of all conditions and submit compliance report to the Commissioner, Gajuwaka Municipality and Visakhapatnam Urban Development Authority along with layout plan to issue L.P. No. by Visakhapatnam Urban Development Authority within a period of 30 days by the Matrusree Co. Op. Housing Building Society, failing which final layout plan now released shall stand, cancelled without any further notice."

5. Having regard to the interim direction granted by this Court in W.P.M.P.No.29309 of 1995, dated 05-08-2004, and also having regard to the letter, dated 22-09-2004, of the Vice-Chairman, Visakhapatnam Urban Development Authority, Visakhapatnam, no further orders need be passed in the present writ petition.

6. Accordingly, the present writ petition is closed. However, there shall be no order as to costs.

D.S.R.VARMA, J

30TH SEPTEMBER 2004

KRK

To:

1.The Secretary, Visakhapatnam Urban Development Authority, VUDA Complex, Siripuram Junction, Visakhapatnam.

2.The Vice-Chairman, Visakhapatnam Urban Development Authority, VUDA Complex, Siripuram Junction, Visakhapatnam.

3.The Commissioner, Gajuwaka Municipality, Gajuwaka, Visakhapatnam.

4.Two C.D. Copies.